Decision **PROPOSED DECISION OF ALJ DEANGELIS** (Mailed 7/18/2012)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.	Rulemaking 11-05-005 (Filed May 5, 2011)

DECISION GRANTING REQUEST OF CLEAN COALITION FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 11-11-012 AND DENYING REQUEST AS IT RELATES TO CONTRIBUTIONS TO DECISION 10-12-048

Claimant: Clean Coalition (formerly, FIT Coalition)	**For contribution to** Decision **(**D.) 11-11-012
Claimed ($): 47,130[1]	**Awarded ($):** 17,699.19 (62% reduction)
Assigned Commissioner: Mark J. Ferron	**Assigned ALJ:** Regina DeAngelis
Claim Filed:	December 30, 2011

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:

D.11-11-012 granted the Clean Coalition's motion for amendments to Southern California Edison Company's (SCE) California Renewable Energy Small Tariff (CREST) program power purchase agreement (PPA); D.10-12-048 created the Renewable Auction Mechanism (RAM) program and required investor-owned utilities (IOUs) to submit advice letters.

[1] Due to miscalculations, this amount is incorrect. Errors are explained and corrected in Part III.B, Specific Claim.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812[2]:

	Claimant	CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	June 13, 2011	Correct, for Rulemaking (R.) 11-05-005
2. Other Specified Date for NOI:		
3. Date NOI Filed:	July 8, 2011	Correct, for R.11-05-005
4. Was the notice of intent timely filed?		Yes, in R.11-05-005. No NOI was filed in R.08-08-009.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Not yet issued	R.10-05-006
6. Date of ALJ ruling:	TBD	A ruling of July 19, 2011, in R.10-05-006 created a rebuttable presumption of Clean Coalition's eligibility to claim compensation in this proceeding. Section 1804(b)(1).
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		In R.11-05-005: Yes.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Correct
10. Date of ALJ ruling:	July 19, 2011	Correct
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		In R.11-05-005: Yes.

[2] All subsequent statutory references are to the California Public Utilities Code.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decisions	D.11-11-012, D.10-012-048 (R.08-08-009)	Correct
14. Date of Issuance of Final Decisions:	Nov. 17, 2011 and Dec. 17, 2010	Correct
15. File date of compensation request:	Dec. 30, 2011	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part 1:

#	Claimant	CPUC	
1-12		X	FIT Coalition did not file an NOI in R.08-08-009. Therefore, Clean Coalition, formerly called FIT Coalition, did not acquire an eligibility to claim intervenor compensation for contributions to D.10-12-048 adopted in that proceeding. Section 1804.
1-12		X	Although FIT Coalition is not eligible to claim compensation for its participation in the proceedings leading to D.10-12-048, we find, for the limited purposes of this decision only, that Clean Coalition could claim compensation for its work on Resolution E-4414. As a timeliness factor, we consider the fact that the NOI in R.11-05-005, a successor to R.08-08-009, was filed while the proceedings leading to Resolution E-4414 were still pending.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's description of its contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059)

Contribution	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
D.11-11-012 (CREST motion)		
The Clean Coalition submitted a motion to revise SCE's CREST program PPA, after learning from many developers that the	The Commission agreed to hear our motion and sided with the Clean Coalition on all but one issue in its final decision. The decision summarizes (at 2): "This decision grants, with modifications, the motion by	Yes.

SCE feed-in tariff program simply wasn't working. Developers and advocates like the Clean Coalition had tried to work with SCE over the period of two years to improve the program, to no avail. The decision was issued solely due to the Clean Coalition's motion, so our substantial contribution in this matter is clear.	Clean Coalition, entitled *Motion of Clean Coalition for Immediate Amendments of AB 1969 CREST Power Purchase Agreement*. …We direct SCE to file a Tier 1 advice letter to, among other changes, (1) modify Section 2.8 (Date of Initial Operation) and Section 4.2(d)(3) (Term and Termination); (2) modify Section 4 (Term and Termination); (3) modify Section 12 (Assignment); (4) remove Sections 14.2 (future modifications) and 14.4 (application for modifications); and 5) add four new contract sections, Force Majeure, Indemnification, Curtailment, and Collateral Requirements.	
D.10-12-048 (RAM decision).		
Made recommendations on IOU data sharing requirements re interconnection	The Decision states (at 70):[3] "For the initial rollout, we adopt the FIT Coalition's[4] recommendation to require the IOUs to provide the "available capacity" at the substation and circuit level, which we define as the total capacity minus the allocated and queued capacity.	Yes. The decision relied on FIT Coalition's "pricing comments."[5] .
Argued that requiring above avoided cost bids to be accepted does not violate federal law (FIT Coalition's opening comments on PD, at 14-17)	The decision recognized our comments on this issue (at 21, fn 38): Pacific Gas and Electric Company (PG&E), SCE, and San Diego Gas & Electric Company (SDG&E) assert that a requirement to procure all bids up to a pre-established price set at the market price referent plus a 50% premium violates state and federal law.	Substantial contribution is not demonstrated by a mere mentioning of the comments in the decision. Although FIT Coalition's comments on the proposed decision were

[3] We note that throughout this claim, Clean Coalition provides erroneous references to the decision. For example, here the filer referred to pp. 61-62 of the decision, instead of 70. We have corrected erroneous references.

[4] Clean Coalition was formerly known as the FIT Coalition and is referred to as such in this decision, when appropriate.

[5] FIT Coalition Comments on Administrative Law Judge's Ruling Regarding Pricing Approaches and Structures for a Feed-In Tariff, filed October 19, 2009, in R.08-08-009, at 11-12. *See*, reference to these comments in D.10-12-048 at 27.

	They argue that it violates state law (Pub. Util. Code § 399.15[d]) which sets a limitation on the IOUs' obligation to procure renewable energy at above-MPR costs. They also argue that it violates federal law because it would require them to purchase power at a rate above avoided cost. FIT Coalition, Vote Solar, Solar Alliance, and IEP oppose the IOUs' arguments about the legality of the proposed decision. For example, Vote Solar opposes the IOUs' arguments about state law and contends that the IOUs' arguments are based on the erroneous assumption that RAM prices will exceed the MPR.… The decision mooted these concerns, stating at 21: The proposed decision would have required the utilities to solicit eligible projects up to 20 MW and accept all bids offered through RAM up to a pre-established price and a capacity cap. Parties dispute the legality of this approach based on both federal and state law. The federal law issue is rendered moot in this decision because we preserve the IOUs' discretion to reject bids in instances of market manipulation or non-competitive pricing compared to other renewable procurement opportunities.	mentioned in the decision, they did not provide a significant input on the jurisdictional matters. FIT Coalition's specific recommendations in this area were not adopted.
Recommended a 4,000 MW program cap	The decision did not adopt our recommendation, stating at 28: "Parties provide a variety of recommendations on the appropriate cap level, from an unlimited authorization, to support of ED's 1,000 MW proposal. We have had mixed experience with uncapped programs and decline to adopt this expansion without a program limit, at least before we have some evidence of the results. We decline to adopt a higher cap or no cap. The 1,000 MW cap allocated to three IOUs is sufficiently large to provide market opportunities, while being sufficiently small to provide protection	Yes (this proposal was a part of FIT's "pricing comments" of October 19, 2009).

	against bad outcomes."	
Argued for increased transparency of prices (FIT Coalition pricing comments, at 5)	The decision states at 76: "Parties present a range of views. FIT Coalition argues that winning prices for each project must be revealed or the key aspect of RAM identified by ED (i.e., that RAM provides a long-term investment signal) will not be fulfilled." The Commission agreed with our recommendations at 77: "We expect ED, respondents, and parties to explore all reasonable means to make price and other information widely available. At a minimum, we require specific information to be revealed publicly. For all bids received and shortlisted, we require the IOUs to provide the following information: names of participating companies and the number of bids per company; number of bids received and shortlisted; project size, participating technologies, quantitative summary of how many projects passed each project viability screen, and location of bids by county provided in a map format. Finally, the IOUs must release information on the achievement of project development milestones for all executed RAM contracts."	Yes. FIT Coalition's analysis on this issue was presented in FIT Coalition's "pricing comments." Clean Coalition's comments on the proposed decision did not provide a significant input on this issue.[6]
Resolution E-4414[7] (on the IOUs Advice Letters to Implement the RAM Program)		
Argued that auction frequency should remain at two per year	The resolution states (at 4): "The Decision directs the IOUs to hold two auctions per calendar year over a two-year period. In its advice letter, SCE requests to change the Decision's requirement of holding two auctions per year to only one auction per year. Silverado supports this request while Solar Alliance, Clean Coalition, and	Yes.

[6] FIT Coalition's opening comments on the proposed decision of September 27, 2010, Section E, at 10-11.

[7] We correct here the Clean Coalition's typographical error in the resolution number (4144).

	Recurrent oppose it." The resolution agreed with the Clean Coalition and concludes (at 5): "The IOUs shall hold an auction every six months. The first auction shall close no later than November 15, 2011, and the second auction shall close no later than May 31, 2012."	
Argued full capacity deliverability should not be required for RAM projects	The resolution generally agreed with our position but added an additional nuance by allowing deliverability to be required if it could be secured at no cost to the developer (at 16): "The IOUs shall not require sellers to achieve full capacity deliverability status unless the seller can obtain full deliverability with no additional costs to the seller. The IOUs shall not use achievement of full capacity deliverability as a project selection criterion nor shall they require achievement of full capacity deliverability status as a condition precedent to commercial operation."	In general, Clean Coalition's position contributed to the resolution. Some specific aspects of the Clean Coalition's position, however, were not upheld. The Resolution relied mostly on the Solar Alliance's and Recurrent's recommendations.
Opposed the use of network upgrade caps	The resolution agreed with our position (at 18): "The IOUs shall add the estimated transmission network upgrade costs resulting from the most recent interconnection study to the seller's price when ranking bids. SCE and SDG&E shall remove the transmission network upgrade cost caps from their bidding protocols and contract."	In general, Clean Coalition's position contributed to the resolution. Specific aspects of the Clean Coalition's position were not upheld.
Argued that SCE's RAM map was not in compliance with D.10-12-048	The resolution agreed with us, stating (at 21): "Staff agrees with parties that SCE's map does not provide "available capacity at the substation and circuit level," as required in the Decision. Thus, SCE should provide the available capacity at the substation and circuit level for its preferred locations within 30 days of this resolution."	Yes

Argued that any bids up to 10% higher than the median bid should be accepted by IOUs as reasonable	The resolution disagreed with us on this point (at 25): "D.10-12-048 purposely did not define these terms so that the IOUs could use their discretion based on their nearly ten years of experience procuring renewable energy through a competitive process and as a result, the Clean Coalition's proposal is rejected."	Yes
Argued that IOU suggested forecasting requirements were too onerous	1. The resolution agreed with us, in part, stating (at 32): "The IOUs shall work with parties to formulate more standardized forecasting requirements and submit this language in the compliance filing required by this resolution." 2. The resolution disagreed with us, however, on our specific recommendation (at 32): "The Clean Coalition states that the IOUs should be responsible for forecasting. The Decision did not require the IOUs to be responsible for forecasting, so staff rejects the Clean Coalitions proposal."	1. The resolution relied specifically on the Solar Alliance's position on this issue. 2. Yes
Objected to IOU proposed changes to performance obligations	The resolution agreed with the Clean Coalition (at 33): "The IOUs shall use the performance obligation ordered in the RAM Decision."	Yes.[8]
Objected to SCE's proposed floor and cap on damages	The resolution agreed with us (at 33): "SCE shall require payment of actual damages and cannot charge damages based on the proposed ceiling and floor."	Yes.[9]

8 Clean Coalition's March 17, 2011 comments on Resolution 3809-E and 2557-E, at 15.

9 Clean Coalition's March 17, 2011 comments on Resolution 3809-E and 2557-E at 17.

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding?	Yes	Correct
c. Name of other parties: **D.11-11-012:** Comments were filed by SCE, Silverado Power, and SunEdison. There are also hundreds of other parties to the proceeding that did not submit comments on this decision. **D.10-12-048**: On September 27, 2010, comments were filed by Axio, CalSEIA, CARE, Center for Energy Efficiency and Renewable Technologies, DRA, enXco, FIT Coalition, Fuel Cell Energy, Green Power Institute (GPI), IEP, Jan Reid, LS Power Associates, PG&E, Recurrent Energy, SCE, SDG&E, SFUI, Sierra Club, Solar Alliance, Sustainable Conservation, The Utility Reform Network (TURN), and Vote Solar. On October 4, 2010, reply comments were filed on by CARE, DRA, FCE, FIT, GPI, Jan Reid, LS Power Associates, PG&E, SCE, SDG&E, SFUI, Solar Alliance, Sustainable Conservation, TURN, Vote Solar, Walmart, and Western Power Trading Group. There are also hundreds of other parties to the proceeding that did not submit comments on this decision.		Yes
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party: With respect to D.11-011-012, there was essentially no duplication because the Clean Coalition took the lead in submitting the motion to the Commission and in negotiating with SCE and other parties. With respect to the RAM decision and advice letters, in a proceeding involving multiple participants, it would have been virtually impossible for the Clean Coalition to completely avoid some duplication of the work by other parties. The Clean Coalition took all reasonable steps to keep such duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties. We also note that the Clean Coalition's comments were unique on many issues. The fact that the Commission cited the Clean Coalition's comments numerous times indicates the non-duplicative nature of our comments. Any incidental duplication that may have occurred here should be found to be more than offset by the Clean Coalition's unique contributions to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted.		Yes

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

Explanation by Claimant of how the cost of Claimant's participation bore a reasonable relationship with benefits realized through participation	CPUC Verified
With respect to D.11-011-012, the Clean Coalition's efforts were directed at creating a functional feed-in tariff program under SCE's umbrella. Our efforts to fix this SCE program will result in cost-effective and environmentally beneficial renewable energy projects for all ratepayers and taxpayers in California. Compared to the benefits these projects will provide the compensation that the Clean Coalition is seeking is a good value. Similarly, with respect to the Clean Coalition's comments on the RAM decision and advice letters, our efforts were aimed at ensuring the creation of a functional program without overly burdensome requirements. Our requested compensation should be more than offset by the benefits to ratepayers under the new RAM program. We cannot know at this point what the actual monetary benefits will be under the RAM program because it is an auction program, but given the parameters put in place by the Commission for this program, we feel confident that ratepayers will realize good value.	With reductions and adjustments made by this decision, the request is reasonable.

B. Specific Claim:*

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total $	Year	Hours	Rate	Total $
Tamlyn Hunt	2010	18.25	$315	D.11-10-040 D.08-04-010[10]	$5,748.75	2010	0.00	$315	0.00
Tamlyn Hunt	2011	32.00[11]	$330	D.11-10-040 D.08-04-010	$10,560.00	2011	30.25	$330	$9,982.50

[10] D.11-10-040 approved $300 an hour for Hunt in 2009. D.08-04-010 (at 9) allows 5% annual increase twice within each range of attorney experience (at 8).

[11] The claim indicated 35.50 hours here, including 3.50 hours spent on the intervenor compensation matters (Hunt's timesheet entry of December 26, 2011). We have re-allocated 3.50 hours to the intervenor compensation claim preparation hours, at the half professional rate, and re-calculated the subtotals and totals in the related parts of the specific claim.

				Subtotal:	**$16,308.75**			***Subtotal:***	**$9,982.50**
EXPERT FEES									
Item	**Year**	**Hours**	**Rate**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate[12]**	**Total $**
Craig Lewis[13]	2010	4.00	$175	D.08-04-010	$700.00	2010	0.00	0.00	0.00
Craig Lewis	2011	12.00	$185	D.08-04-010	$2,220.00	2011	4.50	$180	$810.00
Ted Ko	2010	13.00[14]	$165	D.08-04-010	$2,145.00	2010	0.00	0.00	0.00
Ted Ko	2011	18.75	$175	D.08-04-010	$3,281.00	2011	18.75	$155	$2,906.25
K. Sahm White	2010	47.75	$250	D.08-04-010	$11,938.00	2010	0.00	0.00	0.00
K. Sahm White	2011	27.50	$270	D.08-04-010	$7,425.00	2011	14.50	$185	$2,682.50
				Subtotal:	**$27,703.75**			***Subtotal:***	**$6,398.75**
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	**Year**	**Hours**	**Rate**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate**	**Total $**
Tamlyn Hunt	2011	13.25	$165[15]	D.11-10-040, D.08-04-010	$2,186.25	2011	5.96	$165.00	$983.81
Tamlyn Hunt	2012	4.50[16]	$165	D.11-10-040, D.08-04-010	$742.50	2012	2.03	$165.00	$334.13
				Subtotal:	**$2,928.75**			***Subtotal:***	**$1,317.94**
				TOTAL REQUEST:	**$46,946.25[17]**			**TOTAL AWARD:**	**$17,699.19**

[12] We do not adopt hourly rates for Ko's, Lewis's, and White's work in 2010, because compensation pertaining to that year is denied.

[13] Lewis has 6 years experience in the renewable energy field and over a decade of experience in the telecommunications field. Lewis is the Executive Director of the Clean Coalition.

[14] Ko's hours of work in 2010 as recorded in his timesheet totaled 13.00 hours; however, Clean Coalition requests only 9.75. We have corrected the requested hours and the subtotal amount.

[15] Originally, Clean Coalition requested here the hourly rate of $175; however, it should be $165 (a half of the professional rate of $330 requested for Hunt's work in 2011). We correct the error, and make the corresponding corrections in the related portions of the specific claim.

[16] The claim indicated 4.00 hours here; however, according to Hunt's time records, he spent 4.50 hours of work on this claim. We have corrected the requested hours and subtotal amount.

[17] The claim indicated here the amount of $47,130, which was in error. We have corrected it here.

* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

C. CPUC's Disallowances, Adjustments, and Comments

#	Reason
	Hourly Rates
Hourly Rates for Hunt's work	Hunt's previously adopted rate for his work in 2008, 2009, and 2011 was $300 (D.09-08-022, at 16-17, and D.11-10-040, footnote at 9). Hunt requests now the rate of $315 for his work in 2010 and $330 for his work in 2011, and refers to D.08-04-010. That decision allows intervenor representatives to request an annual 5% "step increase" twice within each level of experience.[18] Hunt has been a member of the State Bar since January of 2002. In this proceeding, he was a "policy and attorney lead" and "did the bulk of the writing for the work covered and provided policy advice on all issues."[19] His years of experience place him in the rate range of $300-$355 for attorneys with 8–12 years of experience.[20] Applying the first 5% step increase to the hourly rate, we adopt the rate of $315 for Hunt's work in 2010. Applying the second 5% step increase to the 2010 hourly rate, we adopt the rate of $330 for Hunt's work in 2011. The adopted rates are reasonable for an attorney who has been practicing law since January of 2002 in the related areas of law.[21] For Hunt's work in 2012 on the intervenor compensation claim, an hourly rate was based on the rate of $330.

[18] D.08-04-010 at 11-13.

[19] Clean Coalition's e-mail of June 11, 2012 (copy – in the "Correspondence" file for this proceeding).

[20] D.08-04-010 at 8 and Resolution ALJ-247.

[21] Resolution ALJ-267.

Hourly Rate for Lewis's Work	Clean Coalition requests the rate of $185 for Lewis's work in 2011. Lewis started working on energy policy matters in 2005; from 2006 to 2009 he worked as a vice president of government relations for GreenVolts, a company specializing in solar systems. In January of 2009, Lewis founded Clean Coalition. [22] In this proceeding, Lewis was "involved in most policy discussions and provided feedback on most issues, as required."[23] Lewis's education and work experience support his expertise on the energy policy matters. Lewis relevant experience places him within the rate range of $125-$185 for experts with 0–6 years of experience, at the higher end of the range.[24] We also consider a factor of the specific work performed by a new participant in the proceeding, such as his role in the proceeding and the level of the work performed. Based on these criteria, we approve the rate of $180 for Lewis's work in 2011, as reasonable.[25]
Hourly Rate for Ko's Work	Clean Coalition requests the rate of $175 for Ko's work in 2011. Ko has participated in the Commission proceedings since 2009, specializing in energy matters,[26] and developed expertise in policy analysis, research and stakeholder collaboration. In this proceeding, Ko was "involved in all policy discussions, assisted in writng and provided feedback on almost all issues."[27] The requested rate is on the higher end of the rate range of $125-$185 for experts of up to 6 years of experience.[28] Based on information regarding Ko's experience, and his role in this proceeding, we adopt the rate of $155 for Ko's work in 2011 as reasonable.

[22] Lewis's resume was attached to the Clean Coalition's e-mail of June 6, 2012. A copy of the e-mail can be found in the "Correspondence" file for this proceeding.

[23] *See*, Clean Coalition's e-mail of June 11, 2012 (copy – in the "Correspondence" file for this proceeding).

[24] D.08-04-010 at 8, Resolution ALJ-247.

[25] Resolution ALJ-267.

[26] *See*, Attachment 3 to the claim.

[27] Clean Coalition's e-mail of June 11, 2012 (copy – in the "Correspondence" file for this proceeding).

[28] D.08-04-010 at 5.

Hourly Rate for White's Work	Clean Coalition requests the rate of $270 for White's work in 2011. We have reviewed information regarding White's professional experience,[29] and concluded that the following work types were more or less relevant to the Clean Coalition's participation in this proceeding: 1982-1985: Analyst and Associate Advocate, Ann Arbor Ecology Center; 1995-1996: Senior Research Consultant, Center for Eco-Literacy; 2001-2003: Redefining Progress/Global Footprint Network, Associate analyst and Researcher; 2008-2009: Local Governments for Sustainability, climate action planning consultant; and 2010 – present: Clean Coalition Director of Policy and Economic Analyst. In this proceeding, White was "involved in all policy discussions, occasionally assisted in writing and provided feedback on almost all issues."[30] Years of White's relevant experience sum up to about eight years.[31] Based on his years of experience and his role in this proceeding, we adopt the rate of $185 for White's work in 2011, as reasonable.

[29] Sahm White's resume is attached to the Clean Coalition's letter of June 11, 2012. A copy can be found in the "Correspondence" file for this proceeding.

[30] *See*, Clean Coalition's e-mail of June 11, 2012. A paper copy of the e-mail can be found in the "Correspondence" file for this proceeding.

[31] Types of White's work between 1989 and 2007 did not match up to the areas of expertise required for the Clean Coalition's participation in this proceeding.

Reasonableness of the Requested Hours	
Hours Related to D.10-12-048	According to the time records, Hunt spent 18.25 hours, Ko–13.00 hours, White-47.75 hours, and Lewis–4.00 hours on the work relevant to D.10-12-048. Section 1804(a)(1) directs an intervenor who intends to seek an award to file, within 30 days of the prehearing conference, a notice of intent to claim intervenor compensation. FIT Coalition did not file the NOI in R.08-08-009, and is not eligible to claim compensation for the work related to the D.10-12-048. We deny intervenor compensation for that work.
Hours Related to D.11-11-012	We approve 9.00 hours spent by Hunt and 9.75 hours by Ko drafting the August 16, 2011 Motion for Immediate Amendments of AB 1969 CREST Power Purchase Agreement. Through the motion, Clean Coalition substantially contributed to D.11-11-012. Although Clean Coalition does not explain how the work was distributed between Hunt and Ko to avoid unnecessary internal duplication of effort, the requested hours appear to be reasonable, given the amount of work required to write this motion. We question, however, efficiency in the work on the motion that involved two other representatives. White's participation is described in the time records[32] as "weekly policy calls with Clean Coalition team discussing CREST reform efforts" in August, September, and October of 2011 (16 hours). Lewis reviewed a draft of CREST motion (3.50 hours). The claim does not explain[33] whether and why White's and Lewis's participation were critical to the preparation of the motion or how a work was distributed among Clean Coalition's representatives in this proceeding, what role each of them played and what kind of expertise or input each of them contributed. Additional information on this issue indicated that their responsibilities were very similar. Absent information about each individual's distinctive input, we assessed the efficiency based on our analysis of the motion, its contributors' expertise and professional experience, and the relevant time records. We conclude that hours spent by Lewis reviewing the motion and by White on the "policy calls" were to a large extent excessive and duplicative of the efforts of Hunt and Ko. We reduce Lewis's requested hours by 2.50 hours, and White's by 13.00 hours.

[32] White's timesheet related to D.11-11-012 fail to include specific time records indicating when and for how long the single task described there (weekly policy call) was performed. We assume all of these hours related to the CREST motion.

[33] We requested Clean Coalition to provide additional information as to how the work was distributed among Clean Coalition's representatives, what role each of them played and what kind of expertise or input each of them contributed to Clean Coalition's participation. Clean Coalition responded that Hunt did the bulk of the writing and provided policy advice on all issues; Lewis was involved in most policy discussions and provided feedback on most issues as required; Ko was involved in all policy discussions,

Negotiations with Southern California Edison	Hunt and Ko spent 3.50 hours each and Lewis–8.50 hours on the compromise discussions with SCE and other parties. We reviewed the record, Hunt's, Ko's and Lewis's time sheets, and information about their areas of expertise. We find that Lewis's claim is excessive, and reduce it by 5.00 hours.
Ex-Parte Communication	We disallow 1.75 hours recorded in Hunt's timesheet for the November 3, 2011 ex-parte meeting with Commissioners on CREST PD on November 3, 2011. Clean Coalition's notice of ex parte communication concerning these meetings[34] indicates that only Ko was present.[35]
Intervenor Compensation Matters	According to Hunt's time records, he spent 17.75 hours preparing this compensation claim. We find the requested amount unreasonable and excessive, and reduce the claimed hours by 55% or 8.00 hours. The approved hours are more than sufficient for an experienced practitioner like Hunt, who is familiar with this type of work, to prepare this particular claim, and are closer to our efficiency standard.
Payment of the Award	
Award Related to D.11-11-012	A portion of the award in the amount of $10,511.47, relates to D.11-11-012, which affected SCE. This amount should be allocated to SCE.
Award Related to Resolution E-4414	A portion of the award in the amount of $7,187.72 relates to Resolution E-4414, which affected utilities PG&E, SCE, and SDG&E. This amount should be allocated to these three utilities.
Intervenor Compensation time	Equal portions of the hours awarded for the compensation claim preparation have been included in each of the above payments.

assisted in writing and provided feedback on almost all issues; and White was involved in all policy discussions, occasionally assisted in writing and provided feedback on almost all issues. A copy of Clean Coalition's June 11, 2012 e-mail with this information was placed in the "Correspondence" file for this proceeding.

[34] The notice of ex parte communication was filed on November 16, 2011.

[35] Rule 8.4(b) of the Commission Rules of Practice and Procedure requires that each notice of ex parte communication include the identities of the person initiating the communication and any persons present during such communication.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?	No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
This is an intervenor compensation matter. As provided in Rule 14.6(c)(6) of our Rules of Practice and Procedure, we normally waive the otherwise applicable 30-day comment period for this proposed decision. Because the Commission is sizably reducing the amount requested in this award we allow comments on this proposed decision. Comments were filed on August 7, 2012, by Clean Coalition.	

If not:

#	Comment	CPUC Disposition
1	Clean Coalition offers the following explanation of its failure to file an NOI in R.08-08-009: attorney Hunt began working with the Clean Coalition in mid-2010 and recommended that the Coalition wait until the next prehearing conference (PHC) before submitting its NOI. While the intervenor was waiting for the next PHC the Commission closed R.08-08-009 and opened R.11-05-005, its successor, with no warning to parties. SB 32 implementation had begun in R.08-08-009, in early 2011, and the intervenors were heavily involved in that matter, as they were with the RAM program, so they assumed that R.08-08-009 would stay open at the least to implement SB 32. However, SB 32 implementation shifted into R.11-05-005 and Clean Coalition submitted its NOI in that proceeding, erroneously assuming that their new NOI would suffice	We find that Clean Coalition failed to show a good cause with regard to the failure to file an NOI in R.08-08-009. Rule 17.1 of the Commission Rules of Practice and Procedure provides that if it has been preliminary determined that a hearing is not needed, an NOI may be filed any time after the start of the proceeding until 30 days after the time for filing responsive pleadings, such as comments. The Order Instituting Rulemaking (OIR) 08-08-009 indicated that in accordance with this rule, since no PHC conference was anticipated, a party that expected to request intervenor compensation needed to file its NOI within 30 days of the issuance of the OIR.[36] Scoping memo and ruling of September 26, 2008, confirmed that NOIs were due on September 25, 2008, and allowed to file amended NOIs within 15 days of the ruling.[37] No PHC was scheduled in R.08-08-009.

[36] OIR at 12 – 13.

[37] Scoping Memo and Ruling of September 26, 2008, at 11.

	for obtaining compensation for their work in R.08-08-009, the predecessor proceeding.	We note that a new intervenor Renewables 100 Policy Institute (Institute) filed a motion to accept its late-filed NOI, as soon as it became aware of the proceeding. Unlike the Institute, Clean Coalition had participated in R.08-08-009 since 2009. We also note that Hunt has been appearing before the Commission since 2005, and filed intervenor compensation documents in many Rulemakings, Investigations, and Applications. For this experienced attorney, there should be nothing novel or unusual in the NOI filing procedure clearly described in R.08-08-009. Moreover, in R.08-08-009 Hunt filed an NOI on behalf of Community Environmental Council (Council). The NOI explains that the Council was granted customer status in R.04-04-026, a predecessor proceeding, but was informed that the prior ruling would not carry over to R.08-08-009, and was granted time to submit a new NOI[38] (NOI, at 4). In a limited number of cases, the Commission accepted late-filed NOIs where there was a continuity of the intervenor's participation and eligibility. For example, D.05-04-044 found that TURN was an active participant and received several compensation awards in Network Architecture Development of Dominant Carrier Networks proceedings. The decision held: > TURN's participation in these closely related proceedings achieved the purposes of the NOI because all other parties, and the assigned ALJ, were award of TURN's active participation and requests for compensation in the earlier stages, and thus would have expected the pattern to continue. (D.05-04-044 at 8) Similar findings were made in D.10-02-010, at 2 – 3.[39] Clean Coalition did not obtain eligibility

[38] NOI of the Community Environmental Council at 4.

[39] D.10-02-010 warned TURN that a future failure to timely file its NOI may result in denial of

		status in predecessor proceedings and therefore we can't apply our reasoning in D.05-04-044 to this case. When there was no such continuity, the Commission most of the time would deny compensation. For example, Women's Energy Matters (WEM) participated in A.08-07-021, et al., from early stages of the proceeding but failed to file a timely NOI. The Commission accepted WEM's late-filed NOI, but only with regard to the work from that point forward. D.10-05-049 disallowed all hours of WEM's work prior to the filing date of that NOI.[40] These provisions of D.10-05-049 are applicable to Clean Coalition's claim related to D.10-12-048.
2	Clean Coalition noticed a calculation error in Hunt's hourly rate.	We have corrected the error and revised the awarded amount.
3	Clean Coalition describes its other disagreements with the proposed decision.	While the remaining arguments are, mostly, moot since we deny compensation for Clean Coalition's work on D.10-12-048, we address each of them, below, and make several changes to the text of the proposed decision.
4	Clean Coalition complains that the OIR 11-05-005 "did not provide guidance to parties like us who were active in R.08-08-009 but had not filed an NOI".	No changes are warranted. A clear guidance on NOI filing in R.08-08-009 was provided in that proceeding, as shown in our references, above. Intervenors, including Council represented by Hunt, filed their NOIs and compensation claims related to D.10-12-048 in R.08-08-009. R.11-05-005 clearly stated that R.08-08-009 remained open to consider requests for intervenor compensation.
5	The Clean Coalition contends that the PD states that D.10-12-048 relied on FIT Coalition's "pricing comments", while the compensation claim did not specify the date or title of the comments.	No changes are warranted. The compensation claim clearly identified these "pricing comments" on p. 4 of the claim, as follows: "comments on pricing for a proposed feed-in tariff (Oct. 19, 2009, 'Pricing Comments')".
6	Clean Coalition argues that the PD erroneously stated that the Clean Coalition's analysis of the price information	While we confirm our finding that Clean Coalition's comments on the proposed decision leading to D.10-12-048 did not provide a

compensation. D.10-02-010 at 3.

[40] D.10-05-049 at 2 and 4 – 5.

	transparency was contained in the "pricing comments" and that Clean Coalition's comments on the proposed decision did not provide a significant input on this issue.	significant input to the decision, we have clarified the pertinent statements in Part II of this proposed decision.
7	Clean Coalition states that the PD erroneously finds that the intervenor "did not make a substantial contribution at all" to D.10-12-048.	This comment is erroneous: in analyzing the claimed contributions, the proposed decision indicates where D.10-12-048 relied on FIT Coalition's "pricing comments" (PD at 4 – 6). We have made changes to the decision to clarify these findings.
8	Clean Coalition claims that it provided substantial contributions on jurisdictional issue.	Based on our analysis of Clean Coalition's and other parties' comments on this issue, and the related discussion in D.10-12-048, we confirm our finding.
9	Clean Coalition contends that the proposed decision reduced the intervenor compensation preparation time without explanation.	No changes are warranted. Part III.C, Subsection "Intervenor Compensation Matters" in the proposed decision explains the reduction.
10	The Clean Coalition attached to its comments its revised compensation request, and the time records reflecting the work performed in 2009, missing from its original compensation claim.	We do not consider the revised request in this decision since it does not provide any substantively new information. Newly submitted time records reflecting 2009 hours of work are treated here as a Supplement to the original compensation claim. References to the fact that these time records were not submitted have been removed.
11	Clean Coalition indicates that a new NOI is attached to the comments.	No NOI has been attached to the comments.

FINDINGS OF FACT

1. Clean Coalition has made substantial contributions to D.11-11-012 and Resolution E-4414.

2. Clean Coalition is not eligible to claim intervenor compensation to D.10-12-048.

3. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

4. The total of reasonable compensation is $ 17,699.19.

5. A portion of the award, in the amount of $10,511.47, pertains to D.11-11-012, which affected SCE.

6. The remaining portion of the award, in the amount of $7,187.72, pertains to the Resolution E-4414, which affected PG&E, SCE, and SDG&E.

CONCLUSION OF LAW

1. Clean Coalition's claim related to Clean Coalition's contributions to D.11-11-012, with any adjustment set forth above, satisfies all requirements of Public Utilities Code Sections 1801-1812.

2. The payment of the award should be allocated to the affected utilities.

ORDER

1. Clean Coalition is awarded the total of $17,699.19.

2. Southern California Edison Company shall pay Clean Coalition a portion of the award in the amount of $10,511.47.

3. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) shall pay Clean Coalition a portion of the award in the amount of 7,187.72. We direct PG&E, SCE, and SDG&E to allocate payment responsibility among themselves, based on their California-jurisdictional electric revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated.

4. The above portions of the award shall be paid within 30 days of the effective date of this decision. Payments of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 14, 2012, the 75th day after the filing of claimant's request, and continuing until full payment is made.

5. The comment period for today's decision is not waived.

6. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	**No**
Contribution Decisions:	D1111012, D1012048		
Proceeding:	R1105005		
Author:	ALJ Regina DeAngelis		
Payers:	Southern California Edison Company (SCE)(1st portion of the award) Pacific Gas and Electric Company, SCE, San Diego Gas & Electric Company (2nd portion of the award)		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition (formerly, FIT Coalition)	12/30/2011	$47,130.00	$10,511.47 from SCE; $7,187.72 from PG&E, SCE, and SDG&E. **Total award: $17,699.19**	No	No eligibility for compensation in R.08-08-009; miscalculations of the requested amount; adjusted hourly rates; inefficient effort; excessive hours.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tamlyn	Hunt	Attorney	Clean Coalition (formerly, FIT Coalition)	$315	2010	$315
Tamlyn	Hunt	Attorney	Clean Coalition	$330	2011	$330
Tamlyn	Hunt	Attorney	Clean Coalition	$330	2012	$330
Craig	Lewis	Expert	Clean Coalition	$185	2011	$180
Ted	Ko	Expert	Clean Coalition	$175	2011	$155
K. Sahm	White	Expert	Clean Coalition	$270	2011	$185

(END OF APPENDIX)